timely present their claims in state court ''affords the state courts the opportunity to resolve the issue shortly after trial, while evidence is still available both to assess the defendant's claim and to retry the defendant effectively if he prevails in his appeal.'' Murray v. Carrier, 477 U.S. 478 (1986). But when a federal habeas court orders a sentencing retrial on the basis of a claim that was never presented to the state courts, it often will have been many years since the original trial and the crime occurred. (In the Wrede case, the Ninth Circuit's reversal of the killer's sentence came 17 years after the crime had been committed.) During this time, witnesses often will die or disappear or their memories will fade and other evidence will become unavailable. If defaulted claims were exempted from my amendment, not only would habeas petitioners presenting such claims have better access to the federal courts than would those who followed state rules; the relief that the defaulting petitioner obtains would be more likely to mean not just a second chance to try the sentencing case, but rather would amount to a permanent bar on the state's imposition of a capital or other sentence.

Finally, I would like to respond briefly to those critics who argue that any tailoring or limits on federal habeas-corpus review constitute an unconstitutional ''suspension'' of the Great Writ. I would note that federal courts rejected this argument when it was made by critics of the 1996 reforms. The courts noted that Congress has the power both to expand and to retract the scope of federal collateral review of state criminal convictions. In Felker v. Turpin, 518 U.S. 651 (1996), the U.S. Supreme Court highlighted the utter lack of basis for the view that Congress is required to grant lower federal courts unrestricted power over state criminal convictions:

''The first Congress made the writ of habeas corpus available only to prisoners confined under the authority of the United States, not under state authority. It was not until 1867 that Congress made the writ generally available in 'all cases where any person may be restrained of his or her liberty in violation of [federal law].' And it was not until well into this century that this Court interpreted that provision to allow a final judgment of conviction to be collaterally attacked on habeas.''

The Supreme Court concluded: ''We have long recognized that the power to award the writ by any of the courts of the United States, must be given by written law, and we have likewise recognized that judgments about the proper scope of the writ are normally for Congress to make.''

The U.S. Court of Appeals for the Seventh Circuit elaborated on this point in Lindh v. Murphy, 96 F.3d 856 (rev'd on other grounds, 521 U.S. 320), and explained the nature of the constitutional habeas right:

''The writ known in 1789 was the pre-trial contest to the executive's power to hold a person captive, the device that prevents arbitrary detention without trial. The power thus enshrined did not include the ability to reexamine judgments rendered by courts possessing jurisdiction. Under the original practice, ''a judgment of conviction rendered by a court of general criminal jurisdiction was conclusive proof that confinement was legal * * * [and] prevented issuance of a writ.'' The founding-era historical evidence suggests a prevailing view that state courts were adequate fora for protecting federal rights. Based on this assumption, there was (and is) no constitutionally enshrined right to mount a collateral attack on a state court's judgment in the inferior Article III courts and, a fortiori, no mandate that state court judgments embracing questionable (or even erroneous) interpretations of the federal Constitution be reviewed by the inferior Article III courts.''

The Seventh Circuit concluded: ''Any suggestion that the [Constitution] forbids every contraction of the [federal habeas] power bestowed by Congress in 1885, and expanded by the 1948 and 1966 amendments, is untenable.''

My amendment is a necessary and appropriate adjustment to the federal jurisdiction over state criminal convictions. I am pleased to see that it is part of the Children's Safety and Violent Crime Reduction Act.

EXPRESSING SUPPORT OF CONGRESS REGARDING ACCESS OF MILITARY RECRUITERS TO INSTITUTIONS OF HIGHER EDUCATION

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Mr. LANGEVIN. Mr. Speaker, today the House will be voting on legislation to affirm the ability of military recruiters to access college campuses. As a member of the House Armed Services Committee, I support our military's efforts to recruit some of our most promising young men and women and believe that service in our nation's armed forces is an honorable career choice. However, I question why we are considering this measure, especially as the Supreme Court unanimously upheld Congress's position a short while ago. If Congress's authority has not been challenged, why are we reiterating it?

As we have heard, a lawsuit arose when a group of colleges challenged the Congressional requirement that military recruiters be granted access to schools that receive federal funding. The schools argued that the U.S. military's policy of excluding gays and lesbians from serving openly violated their non-discrimination requirement for prospective employers on campus, and that the recruiters' presence would be interpreted as the schools' official endorsement of the military's position. The Supreme Court rejected this argument, noting that colleges and universities still maintained their right to express their opposition to the military's policies as they saw fit. The resolution of today reaffirms the very Congressional power that the Court just upheld.

Unfortunately, Congress is debating the wrong issue. Instead of celebrating a minor legal victory, we should be discussing how to end the discriminatory ''Don't Ask/Don't Tell'' policy that inspired the opposition from the colleges and which threatens our military readiness to this day. Since the policy's enactment in 1993, Don't Ask/Don't Tell has resulted in the discharge of nearly 10,000 service members, many of whom had language proficiency or other skills essential to the Global War on Terror. Over the past ten years, Don't Ask/Don't Tell has cost the U.S. military hundreds of millions of dollars—funds that could have gone toward obtaining additional armored vehicles and investing in other vital force protection initiatives.

Don't Ask/Don't Tell, originally conceived as a compromise, has outlived its utility and now actually harms our military readiness and its ability to perform certain essential functions. Qualified and dedicated servicemembers should not be discharged based on their sexual orientation, especially at a time when our National Guard and Reserves are serving repeated deployments. For these reasons, I am an original cosponsor of H.R. 1059, the Military Readiness Enhancement Act, which would replace Don't Ask/Don't Tell with a policy that would not allow discrimination or discharges based on sexual orientation.

Those who oppose repeal of Don't Ask/Don't Tell conveniently ignore that gay men and women already serve in the military—many with great distinction—despite the fact that they must hide their identities from those whose lives they have sworn to defend. They also ignore the fact that some of our closest allies in the Global War on Terrorism permit open service by gay men and women, and our forces regularly serve alongside theirs without incident. They also ignore numerous polls indicating that a strong majority of Americans support repeal. Our military's purpose is to protect the United States, and it must recruit the most qualified people in order to succeed. Repeal of Don't Ask/Don't Tell is consistent with that goal.

I will support H. Con. Res. 354 today because I believe we should be encouraging our nation's finest young men and women—no matter who they are or where they go to school—to join the strongest, smartest and most capable military in the world. However, such an effort is incomplete without also repealing Don't Ask/Don't Tell. I encourage all of my colleagues to cosponsor H.R. 1059 to ensure that all who are willing and able to serve may do so.

IN HONOR OF THE PREMIERE OF ''WALKOUT''

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. BECERRA. Mr. Speaker, facing unfortunate injustices, relegated to second class citizenship, and anxious to see change come to their classrooms, a group of students banded together in 1968 to protest the conditions of their high schools in East Los Angeles. The civil and non-violent protest took the form of a staged and systematic ''walkout,'' which was not only the single largest protest by high school students ever in the history of the United States, but is also recognized as the event that gave birth to the Chicano civil rights movement.

Today, I rise and pay tribute to the efforts of these students who embody change and whose memory reminds us all that peaceful, intelligent activism can right egregious wrongs. That reminder is now ever more visible as this seminal moment in civil rights history has been put to film, premiering tonight here in Washington, D.C., and on Saturday, March 18, on HBO.

Called ''Walkout,'' the film provides a sincere and candid look at these student protests

exploring the reasons and justifications that led to such a dramatic and historic move. Executive Producer Moctesuma Esparza and director Edward James Olmos have captured the tensions and regretful reality of life for Mexican American students in the public high school system of East Los Angeles. The movie honors the memory of the struggles and obstacles to empowerment that those before us fought so hard to eradicate. Today, we pay tribute to Esparza, Olmos, HBO Films and all those who played a part in bringing this snapshot of history to life.

Mr. Speaker, only by dedicating ourselves to remembering how we compromised the civil rights and educational achievement of Latinos in the past can we renew our resolve to face the current attacks that seek to derail the future of our community. In 1968, the Mexican American community sent an unequivocal message that transcended the education system that sought to suppress them: when equality and opportunity are denied, our community will fight back to defend what is right. Through ''Walkout'', we celebrate this resolve.

INTRODUCING LEGISLATION AUTHORIZING FUNDING FOR THE PRIVACY AND CIVIL LIBERTIES BOARD

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce legislation authorizing $3 million annually over the next ten years for the Privacy and Civil Liberties Board. Additionally, my legislation requires the President to include a line item request in his budget proposal every year. I am pleased to be introducing this bill with the support of the Democratic Members of the House Permanent Select Committee on Intelligence.

In December 2004, President Bush signed the Intelligence Reform and Terrorism Prevention Act into law. Included in this bill was language establishing the Privacy and Civil Liberties Board, a cornerstone recommendation of the 9–11 Commission. The Commission understood that in the emotional aftermath of September 11th, it was important to provide objective oversight of the protection of our cherished civil liberties.

This oversight is the main purpose of the Privacy and Civil Liberties Board. The Board has been established to review proposed regulations and Executive Branch policies' effects on civil liberties, particularly related to the War on Terrorism.

Many saw the creation of this board as a promising step in protecting us from terrorism while maintaining the civil rights of everyone. However, more than a year after the legislation was signed into law, the Board has yet to hold its first meeting. As a matter of fact, the first Board members were only approved a year ago. Even more, because the Board is housed within the Office of the President and operates at the behest of the Administration, Congress itself is not able to appropriate $1 for its operation because we never authorized any spending. With no substantive work performed by the Board to date, it's as though the Board only exists in the spirit of the law—not in its letter. If that was Congress's true intent, then the Board might as well only exist on paper, or as an illusion in our minds. But it wasn't, and that's why this legislation is absolutely necessary.

Realize, Mr. Speaker, the most disturbing lack of support for the Board has come from the Administration itself. In the President's budget request for fiscal years 2005 through 2007 and the requests for supplemental funding, there have been no funds requested specifically for Board operations. Zero! Without this funding, the Board cannot even buy a pencil much less develop a plan to accomplish its tasks.

The Administration's failure to fund the office, coupled with the inactivity of the Board, leads one to question the commitment of the Administration to ensuring the protection of privacy and civil liberties. Does the Administration welcome an objective review on civil rights issues regarding its terrorism policies or would it rather govern in a vacuum? Would the President rather operate behind closed doors without questions from, or accountability to, any oversight board? Unchecked policies shrouded in secrecy will do nothing to help this country maintain checks and balances between safety and civil rights.

The bill I am introducing authorizes $3 million in annual funding for the Board so that Congress can do what the President has failed to do. This funding level will ensure that adequate resources are available for sufficient staff and resources to support critical statutorily mandated activities of the Board. This includes reviewing proposed regulations and policies related to countering terrorism, the implementation of laws, regulations and policies related to countering terrorism, and advising the President and department heads on matters impacting privacy and civil liberties.

It's time that we demand that the Administration stop dragging its feet on funding the Privacy and Civil Liberties Board. If civil liberties are of any concern to this body and the President then there is no reason to stall the progress of the Board by denying it the money it needs to get started. I urge my colleagues to support this legislation to fully fund the Privacy and Civil Liberties Board so that it can get about the business of protecting the liberties and security of all Americans.

TRIBUTE TO GEORGE BECKER

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. VISCLOSKY. Mr. Speaker I rise today to honor George Becker, a great union leader, great American, and President Emeritus of the United Steelworkers (USW). Not only has George been a dear friend of mine, but to working men and women everywhere. They owe him a debt of gratitude for the years of service he has given not only to the labor movement, but to his country.

Retirement as the USW's International Union President in 2001 did not change his goals nor dim his vision and resolve. He continued his advocacy during his service on the U.S. Trade Deficit Review Commission. He is still fighting in his capacity as Commissioner on the U.S. China Economic and Security Review Commission to give a voice to the concerns of workers in the industries affected by our exploding trade deficit with China.

I am sure my colleagues on the Congressional Steel Caucus will join me in expressing our good fortune to have worked in close association with a man who warned us years ahead of time that the American steel industry was on the brink of collapse after the Asian financial crisis in 1998. It was George Becker's persistence and foresight that created the joint union-industry alliance ''Stand Up for Steel'' that fought for fair steel trade policies before Congress and two Administrations to bring the relief necessary for the U.S. steel industry to restructure and consolidate.

I remember standing with USW President Becker among hundreds of steelworkers on Capitol Hill who helped win passage of H.R. 975 in the Spring of 1999, a bill I sponsored titled the 'Stop Illegal Steel Trade Act' to impose a freeze on steel imports. The U.S. House of Representatives passed it 289 to 141, but the measure was subsequently defeated in the Senate on a procedural vote.

But the determined President Becker didn't stop fighting to save American steelworkers' jobs and the industry. He supported H.R. 808, the Steel Revitalization Act of 2001, to require a five year rollback of steel imports to pre-crisis levels, while providing assistance for retiree health care costs and establishing a $10 billion loan fund to finance steel industry modernization.

The Steelworkers Union president didn't stop at the legislative door of Congress, leading a national union-industry petition under the U.S. Foreign Trade Act to implement a Section 201 tariff on all steel imports that included a public hearing in my Congressional District of Northwest Indiana by the International Trade Commission. The ITC's investigation demonstrated the need for steel tariffs and President Bush implemented relief in 2002.

George Becker, a second-generation steelworker, rose through the ranks to become the sixth international president of the United Steelworkers (USW). He served seven years as the union's international president, elected in 1993 and 1997. He also was chair of the Labor Advisory Committee for Trade Negotiations and Trade Policy for the U.S. Department of Labor; during the Clinton Administration, he served on the President's Export Council and the U.S. Trade & Environmental Policy Advisory Committee.

He is a respected union organizer and strategist, and an internationally-known spokesman for industrial safety, workers' rights on the job and fair global trade.

Among his major accomplishments are:

Mergers with the United Rubber Workers (URW) in 1995, and the Aluminum, Brick and Glass Workers (ABG) in 1997, bringing 140,000 new members to the USW.

Launching the union's pioneering national Rapid Response Network to mobilize members and their local unions to personally contact their members of Congress and state legislatures with handwritten letters on bread & butter issues.

Establishing a USW Legislative Leadership Program in Washington, D.C., which provides member-activists with training in lobbying and political action.

On February 28, 2001, George Becker joined the ranks of one of the Labor Movement's more formidable legacies. He became